

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CONSOLIDATION COAL COMPANY,)

Plaintiff,)

v.)

**UNITED STATES DEPARTMENT)
OF THE INTERIOR, NATIONAL)
PARK SERVICE,)**

and)

**CAROL D. SCHULL, individually and)
in her capacity as Keeper of the National)
Register of Historic Places,)**

and)

ROY and DIANE BRENDEL,)

Defendants.)

**ROY BRENDEL and DIANE)
BRENDEL,)**

Third Party Plaintiffs,)

v.)

**CONSOLIDATION COAL COMPANY,)
NORTHERN WEST VIRGINIA)
REGION, a Delaware corporation)
with a principal place of business in)
West Virginia,)**

and)

**DARREL D. AUCH, individually and)
in his official capacity as Senior Vice)
President for Mining, Consolidation)
Coal Company, Northern West Virginia)
Region, Morgantown, West Virginia,)**

and)

**SHEIRL FLETCHER, individually and)
in his official capacity as Certified)
Professional Geologist, Consolidation)
Coal Company, Northern West Virginia)
Region, Morgantown, West Virginia,)**

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and)
)
CONSOL ENERGY, a Delaware)
Corporation,)
)
 and)
)
THOMAS F. HOFFMAN, individually)
and in his official capacity as Vice)
President, Investor and Public Relations,)
CONSOL Energy,)
)
 and)
)
UNITED STATES DEPARTMENT)
OF THE INTERIOR, OFFICE OF)
SURFACE MINING RECLAMATION)
AND ENFORCEMENT,)
)
 and)
)
PENNSYLVANIA DEPARTMENT)
OF ENVIRONMENTAL)
PROTECTION,)
)
 Third Party Defendants.)

CONCILIATION CONFERENCE
Before Judge David Stewart Cercone

Appear for Plaintiff: Joseph A. Katarincic , Esquire; Lauren D. Rushak, Esquire
 Thomas C. Reed, Esquire

Appear for Defendant USA: Albert W. Schollaert AUSA; Rebecca Ross Haywood, AUSA;
 Ruth Ann Storey, DOJ

Appear for Brendels: David C. Hook , Esquire; Michael V. Nixon, Esquire

Hearing date: 5/17/06
 Hearing begun: 11:00 a.m.
 Hearing concluded: 4:00 p.m.
 Stenographer: None
 Clerk/Deputy Clerk: Mark W. Mohney

REMARKS: The court met with counsel to explore avenues for amicable resolution of the parties' dispute. The parties were able to reach a settlement, the material terms of which were disclosed to the court. Counsel consented to a statistical closing.